

Customer No. 26021

PATENT
1754A-008 C1 (81841.0251)**REMARKS/ARGUMENTS**

In accordance with the Notice of Non-Compliant Amendment, a clean version of the Abstract is now presented on a separate sheet under 37 CFR 1.121.

Minor changes are made to the specification to update the information about the related applications and to shorten the Abstract. Claims 1, 3, 5-10, 13, 14, and 46-49 are pending in the application. Reexamination and reconsideration of the application, as amended, are respectfully requested in view of the following remarks/arguments.

Abstract of the Disclosure:

As requested by the Examiner, the Abstract of the disclosure is shortened to no more than 150 words.

Continuing Data:

As requested by the Examiner, the continuing data in the related applications section is updated to include the related patent numbers.

Claim Rejections Under 35 U.S.C. §102:

(1) Claims 1, 3, and 13 are rejected as being anticipated by Ishimaru et al. (U.S. Patent No. 4,142,670; "670"). Applicants respectfully traverse.

Claim 1 is drawn to a removable liner for a centrifuge container having an interior cavity and an opening. The liner comprises a semi-rigid resilient body that is reversibly deformable. The body has an opening for introducing a sample. Once inside the container, the body of the liner conforms to the interior cavity of the container.

The '670 patent does not anticipate claim 1 because it does not require that a liner should conform to the interior cavity of a container once the liner is inside the container. To the contrary, the '670 requires that, when a rotor is stationary (e.g., when a liner is initially placed inside a cavity of the rotor), there is a gap between the bottom of the liner and the bottom of the cavity of the rotor. See, e.g., Fig. 4 and column 1, lines 52-55 of the '670 patent. Only during centrifugation, the liner is forced to flex until it reaches a solid restraining barrier, i.e., conforms to the interior

Customer No. 26021

PATENT
1754A-008 C1 (81841.0251)

cavity of the rotor. See, e.g., Fig. 5 and column 3, lines 53-59 of the '670 patent. Since the '670 patent requires that a liner should not conform to the interior cavity of a container once it is inside the container, it cannot anticipate claim 1. The '670 patent also cannot render claim 1 obvious because it teaches away from claim 1.

By the same token, claims 3 and 13 dependent from claim 1, are neither anticipated nor rendered obvious by the '670 patent. The rejection should be withdrawn.

(2) Claims 1, 3, and 14 are rejected as being anticipated by Greenhalgh (U.S. Patent No. 3,610,455; "455"). Applicants respectfully traverse.

As mentioned above, claim 1 requires that a liner should conform to the interior cavity of a container once it is inside the container. The '455 patent does not anticipate claim 1 because, like the '670 patent, it fails to teach such a limitation of claim 1.

More specifically, the '455 patent provides a flexible liner which can be inserted in a collapsed form into the neck of a container. The liner expands to conform to the inner contour of the container only when the lined container is filled with a liquid or other material. See, e.g., column 3, lines 25-33 and column 1, lines 20-23 of the '455 patent. Since the '455 patent does not require that a liner should conform to the interior cavity of a container once it is inside the container, it cannot anticipate claim 1. Further, the '455 patent teaches away from claim 1 by requiring a collapsed liner to expand to conform to the interior cavity of a container only when the lined container is filled up. As such, the '455 patent does not render claim 1 obvious.

By the same token, claims 3 and 14 dependent from claim 1, are neither anticipated nor rendered obvious by the '455 patent. The rejection should be withdrawn.

Claim Rejections Under 35 U.S.C. §103:

Claims 7, 8, and 14 are rejected as being unpatentable over the '670 patent. Applicants respectfully traverse.

Customer No. 26021

PATENT
1754A-008 C1 (81841.0251)

Claims 7, 8, and 14 depend directly or indirectly from claim 1. As mentioned above, the '670 does not render claim 1 obvious because it teaches away from claim 1. For at least the same reason, claims 7, 8, and 14 are not rendered obvious by the '670 patent. Applicants thus respectfully request withdrawal of the rejection.

Prior Art:

The Examiner made of record the U.S. Patent No. 6,747,601 ("601") a prior art reference not relied upon. Since the '601 patent is the parent patent from which the present application claims priority, it is improper to consider the '601 patent to be a prior art reference. Applicants respectfully request withdrawal of the '601 patent as a prior art reference made of record and not relied upon by the Examiner.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (310) 789-5100 to discuss the steps necessary for placing the application in condition for allowance.

If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1314.

Respectfully submitted,
HOGAN & HARTSON L.L.P.

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